

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRESENIUS MEDICAL CARE
HOLDINGS, INC., et al.,

No. C 03-1431 SBA

Plaintiffs,

ORDER

v.

[Docket Nos. 677, 686, 688]

BAXTER INTERNATIONAL, INC., et al.,

Defendants.

For the reasons set forth by the Court on the record at the June 13, 2006 Pretrial Conference in the above-captioned matter,

IT IS HEREBY ORDERED as follows:

- (1) Fresenius' Motion in Limine to Exclude Evidence and Argument Regarding Summary Judgment Orders [Docket No. 688] is GRANTED IN PART;
 - (2) Fresenius' Motion in Limine Regarding FDA Approval of the Sarns 9000 [Docket No. 686] is GRANTED IN PART AND DENIED IN PART; and
 - (3) Baxter's Motion in Limine Precluding Argument and Evidence Regarding Different PTO Proceedings [Docket No. 677] is TENTATIVELY GRANTED.
- Upon motion by either party, the Court will reconsider whether the August 2003 Board Opinion and the June 2005 Office Action shall be admitted or excluded after Baxter has presented its rebuttal of Fresenius' invalidity arguments.

IT IS SO ORDERED.

Dated: 6/19/06


SAUNDRA BROWN ARMSTRONG
United States District Judge

United States District Court
For the Northern District of California

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